

PATENT

Attorney Docket No.: A-64559-3/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

O'Connor *et al.*

Serial No. 09/096,593

Filed: June 12, 1998

For: *Electronic Methods For
The Detection of Analytes*

) Examiner: Cook, L.
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) Group Art Unit: 1641
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DATE OF DEPOSIT April 3, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
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TYPED NAME

Vincent Diaz
Vincent Diaz

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Clinical Micro Sensors, Inc. represents that it is the assignee of the entire right, title, and
interest of:

- 1) Patent Application Serial No. 09/096,593, filed June 12, 1998, which claims the benefit
of provisional Application No. 60/079,489, filed June 12, 1997;
- 2) U.S. Patent No. 6,096,273, issued August 1, 2000; and
- 3) Patent Application Serial No. 08/873,597, filed June 12, 1997, which claims the benefit
of provisional Application No. 60/040,155 filed March 7, 1997.

Written assignment proof of each assignment is recorded in the United States Patent and
Trademark Office for the instant application at Reel/Frame 9555/0326; for Patent No. 6,096,273 at

05/04/2001 MAUSTIN 00000002 061300 09096593
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Reel/Frame 8757/0001; and for Patent Application Serial No. 08/873,597 at Reel/Frame 8875/0764. A copy of the assignments are attached to this Terminal Disclaimer.

Clinical Micro Sensors, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the full statutory term defined in 35 U.S.C. §§154-156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,096,273. Clinical Micro Sensors, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Clinical Micro Sensors, Inc. further hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number Patent Application Serial No. 08/873,597, filed June 12, 1997.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of prior Patent No. 6,096,273 as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In addition, in making the above disclaimer, Clinical Micro Sensors, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted on co-pending applications No. 08/873,597, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is authorized to act on behalf of and as a representative and petitioner of the assignee, Clinical Micro Sensors, Inc., has caused a review of the evidentiary documents

referred to in the present Terminal Disclaimer in the chain of title of the present application and patent identified above, and it is certified that, to the best of assignee's knowledge and belief, title is in the assignee, Clinical Micro Sensors, Inc., identified above.

Dated: 3/21/2001

By: 
Gary F. Blackburn, Ph.D.
Director of Scientific Affairs

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